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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

CREDITORS ADJUSTMENT BUREAU, INC.,)	Case No. 3:19-cv-04294-WHO
)	
Plaintiff,)	STIPULATION BY TELESPACE, LLC
)	AND INTELEPEER CLOUD
vs.)	COMMUNICATIONS, LLC FOR
)	EXTENSION OF BRIEFING DATES AND
TELESPACE, LLC AKA TELESPACE LLC;)	CONTINUANCE OF HEARING ON
and DOES 1 through 10, Inclusive,)	MOTION TO DISMISS FIRST AMENDED
)	THIRD-PARTY COMPLAINT AND
Defendants.)	ORDER THEREON
)	
)	
	/	

[Civil L.R. 6-2]

TELESPACE, LLC,)
)
Third-Party Plaintiff,)
)
vs.)
)
INTELEPEER CLOUD COMMUNICATIONS,)
LLC,)
)
Third-Party Defendant.)
	/

Complaint Filed: June 10, 2019
Trial Date: Not Set

Defendant and Third-Party Plaintiff TELESPACE, LLC ("TeleSpace") and Third-Party

Defendant INTELEPEER CLOUD COMMUNICATIONS, LLC (“IntelPeer Cloud”), (collectively the “Parties”), through their counsel of record, stipulate as follows

RECITALS

1. TeleSpace filed its First Amended Third-Party Complaint on November 8, 2019, naming IntelPeer Cloud as Third-Party Defendant. Dkt. 33.

2. On November 22, 2019, IntelPeer Cloud filed a Motion to Dismiss (“Motion”) pursuant to Federal Rule of Civil Procedure 12(b)(6). The Motion was noticed for and set to be heard on January 8, 2020. Dkt. 41.

3. Based on the Motion having been filed on November 22, 2019, the response papers are presently due by Friday December 6, 2019; and any replies would be due by Friday, December 13, 2019.

4. Previously, TeleSpace obtained: following removal of this action from state court, a two-week extension of time to file its Answer to Plaintiff’s Complaint (by stipulation; Dkt. 7); and a two-week extension of time to file the original third-party complaint (by stipulation and Court approval; Dkt. 17-18). In October 2019, all parties to this action obtained by stipulation an order continuing the first Case Management Conference from November 5, 2019 to December 4, 2019, which date was then re-set by the Court to a day earlier (December 3, 2019). Dkt. 29, 40.

5. On November 26, 2019, just before commencement of the Thanksgiving holiday, all parties joined in: the Stipulation and Proposed Order Selecting Early Settlement Conference with a Magistrate Judge (filed by Telespace; Dkt. 43); and the Joint Case Management Statement (also filed by TeleSpace; Dkt. 45). Pursuant to the Stipulation for Early Settlement Conference with a Magistrate Judge (“ESC”), the Parties will seek to complete the ESC by February 14, 2020. Accordingly, the Parties are attempting to have the ESC scheduled for the earliest date possible that is convenient to all parties, their counsel, and the Magistrate Judge (not yet assigned).

6. With the goal of having the ESC scheduled for a convenient date in December 2019, January 2020, or, if necessary, February 2020, the parties and their counsel are seeking to minimize the expense of this action and focus their efforts on scheduling, preparing for, and participating in the ESC with a Magistrate Judge. In connection with that goal, the attorneys are coordinating the

1 schedules of three separate law firms (*i.e.*, counsel for Plaintiff, Defendant / Third-Party Plaintiff,
2 and Third-Party Defendant) and their clients. Of these six (6) participants (*i.e.*, three parties; and
3 counsel for each party), only one resides in the San Francisco Bay Area; the other five participants
4 will be travelling from either another state or another region of California.

5 7. Moreover, the ability of the parties and their counsel to confirm a suitable date and
6 time for the ESC will be affected by the Holiday schedule in December 2019 and January 2020; and
7 this schedule is likewise expected to affect the availability of the pool of Magistrate Judges and, in
8 turn, the availability of the particular Magistrate Judge assigned to conduct the ESC. For example,
9 as stated in the Joint Case Management Statement (Dkt., pages 8 and 11): Plaintiff's counsel will
10 not be available during the period December 18, 2019 to and including January 10, 2020; and
11 TeleSpace's counsel will not be available during the periods December 23, 2019 through January 3,
12 2020 and January 15-23, 2020. All parties are available the week of January 27-31, 2020.

13 8. Given the focus of all parties on scheduling, preparing for and participating in the
14 ESC and the parties' shared interest in minimizing the expense of the action, TeleSpace and
15 IntelPeer Cloud agree, as provided in this Stipulation, to extend the due dates for the briefing
16 schedule and to continue the hearing date on the Motion. These parties jointly request: that the dates
17 for the Response to and Reply on the Motion be extended, such that the Responses will be due by
18 January 7, 2020, and the Replies will be due by January 20, 2020; and that the hearing be continued
19 to February 12, 2020 or such later date that is convenient for the Court.

20 9. The requested extension of the Motion's briefing schedule and hearing date is
21 intended to: facilitate efficient scheduling of the ESC; allow the Parties the opportunity to resolve
22 the matter in the ESC before completion of further briefing and/or the hearing on the Motion; and
23 serve the interest of all parties in minimizing the expense of this litigation.

24 **STIPULATION**

25 For the reasons stated above, the Parties hereto stipulate that the dates for Responses and
26 Replies on the Motion be extended, such that the Responses will be due by January 7, 2020, and
27 Replies will be due by January 20, 2020. The Parties hereto further stipulate that the hearing on the
28 Motion shall be continued to February 12, 2020, or such later date that is convenient for the Court.

1 Dated: December 2, 2019

HINSHAW & CULBERTSON LLP

3 By: /s/ Peter L. Isola

4 PETER L. ISOLA

LEILA M. MOHSENI

Attorneys for Defendant and Third-Party

Plaintiff TELESPEACE, LLC

6 Dated: December 2, 2019

POTOMAC LAW GROUP, PLLC

8 By: /s/ Stephanie A. Joyce

PAMELA M. EGAN

STEPHANIE A. JOYCE

Attorneys for Third-Party Defendant

INTELEPEER CLOUD COMMUNICATIONS,
LLC

11 **ATTESTATION OF FILER**

12 I hereby attest that I have obtained the concurrence of Stephanie A Joyce, counsel for Third-
13 Party Defendant IntelPeer Cloud Communications, LLC, for the filing of this Stipulation Between
14 Defendant/Third-Party Plaintiff TeleSpace, LLC And Third-Party Defendant IntelPeer Cloud
15 Communications, LLC re Extension of Dates on Motion to Dismiss.

17 /s/ Peter L. Isola

Peter L. Isola

18 **ORDER**

19 IT IS HEREBY ORDERED that Third-Party Defendant IntelPeer Cloud Communications,
20 LLC's Motion to Dismiss the TeleSpace First Amended Third-Party Complaint will be heard at 2:00
21 PM on February 12, 2020. Responses to the motion are due by January 7, 2020; and any
22 Replies are due by January 20, 2020.

24 DATED: December 11, 2019

23 

WILLIAM H. ORRICK

UNITED STATES DISTRICT JUDGE